



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 040373-0284

Applicant: Takeo ORUI

Title: INTERNET PROTOCOL NETWORK  
ALTERNATE ROUTING SYSTEM

Appl. No.: 09/583,166

Filing Date: 5/30/2000

Examiner: Unknown

Art Unit: 2755

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MAR 24 2003

Technology Center 2100

CERTIFICATE OF MAILING

Assistant Commissioner for Patents  
Washington, D.C. 20231

Assistant Commissioner:

I hereby certify that the following paper(s) and/or fee along with any attachments referred to or identified as being attached or enclosed are being deposited with the United States Postal Service as First Class Mail under 37 C.F.R. § 1.8(a) on the date of deposit shown below with sufficient postage and in an envelope addressed to the Assistant Commissioner for Patents, Washington D.C. 20231.

1. Information Disclosure Statement
2. Form PTO SB/08 (3 references enclosed)
3. Postcard

Respectfully submitted,

David A. Blumenthal  
Reg. No. 26,257

March 14, 2003  
\_\_\_\_\_  
Date

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**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.56**

Commissioner for Patents  
 Washington, D.C. 20231

Sir:

Submitted herewith on a modified Form PTO SB/08 is a listing of document(s) known to Applicant in order to comply with Applicant's duty of disclosure pursuant to 37 C.F.R. § 1.56. A copy of the listed document(s) is being submitted to comply with the provisions of 37 C.F.R. §§ 1.97-1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 C.F.R. § 1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* prior art reference against the claims of the present application.

**TIMING OF THE DISCLOSURE**

The instant Information Disclosure Statement is being filed before the mailing date of a first action under the provisions of 37 C.F.R. § 1.97(b)(3). In the alternative, the instant Information Disclosure Statement is being filed under the provisions of 37 C.F.R. § 1.97(c)(1).

**STATEMENT UNDER 37 C.F.R. § 1.97(e)**

The undersigned hereby states in accordance with 37 C.F.R. § 1.97(e)(1) that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of this Statement and that this Statement is being filed within 30 days of receipt of said communication.

**RELEVANCE OF EACH DOCUMENT**

The documents listed on the attached PTO/SB/08B were cited as being relevant during the prosecution of the corresponding Japanese application. A copy of an English language abstract of the listed documents, if available, is being provided. The absence of a translation or an English-language counterpart document does not relieve the PTO from its duty to consider this document (37 C.F.R. § 1.98 and M.P.E.P. § 609).

The Examiner in the corresponding Japanese patent application has commented as follows:

This application is properly rejected for the reasons stated in the Notification of Reasons for Rejection dated 04/22/2002.

The content of the Written Opinion and Written Amendments was examined, but sufficient basis to overturn the Reasons for Rejection was not found.

**Remarks**

The Applicant submitted a Written Opinion and Written Amendments dated 07/01/2002, and comparison of the invention of the subject application and the cited literature shows that the invention of the subject application and the cited literature concur in switching of a circuit route according to the traffic status of the route

concerned, but the assertion that real-time transmission is carried out by RTP and the convergence status of an Internet protocol network is detected by an RTCP transmitter packet differs from the cited literature.

Nonetheless, real-time transmission by RTP and detection of convergence status by RTCP packet are technologies known to a person skilled in the art prior to the subject application. For example, Japanese Unexamined Patent Application Publication H10-247944 or International Unexamined Pamphlet 99/12329 (see WO99/12329, Published Japanese Translation of a PCT Application 2001-515314).

The invention of the subject application is one which a person skilled in the art may have readily invented by means of said RTR [sic] and RTCP packets by combining the technical concept of switching a circuit route according to the traffic status of the route concerned with a technology that detects convergence status, as stated in the aforementioned cited literature.

It is believed that the instant information disclosure statement is being filed prior to the mailing date of any Notice of Allowance or Final Office Action. However, if this information disclosure statement is filed after the mailing date of the Notice of Allowance or Final Office Action, then applicant(s) hereby request(s) and authorize(s) the PTO to charge the fee under 37 CFR 1.17(p) to Deposit Account No. 19-0741.

Applicant respectfully requests that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with M.P.E.P. § 609.

Respectfully submitted,

Date March 14, 2003

By David A. Blumenthal

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